

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA:

CWP.No.165/2003.

Date of Decision :15.5.2007.

Roshni Devi.

...Petitioner.

Versus:

Union of India and others.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?¹

For the petitioner: Mr.Ramakant Sharma,Advocate.

For Respondents. Mr.Ashwani Pathak, Central
Govt. Counsel.

Sanjay Karol, J (Oral).

Prem Chand husband of the petitioner was enrolled in the Army on 8th July, 1963. While serving with 1051 Rly TA (Bridge Construction Company), he deserted/absented from service on 14.11.1969 and was apprehended on 18.1.1969. After compliance of all codal formalities, he was tried by Summary Court Martial on 7.4.1969 for charges under Section 38 (1) of Indian Army Act, 1950 and was found guilty and sentenced to six months rigorous imprisonment. His name was struck off from the

¹ Whether reporters of Local Papers may be allowed to see the judgment?

strength of the Army w.e.f. 14.11.1969. Prem Chand has died and his wife in the year 2003 has filed the present writ petition claiming family pension.

As per the Family Pension Regulations Act, 1961 Part-I, the minimum qualifying service for entitlement of pension is 15 years. Since the husband of the petitioner had not earned any kind of pension, consequently, the legal heirs are also not entitled for any family pension under the Rules. In this view of the matter, the writ petition is dismissed.

**(Sanjay Karol),
Judge.**

May 15, 2007(R)